

REMARKS

Claims 1-10 are presented for examination. Claims 2 and 10 are found allowable subject to being rewritten in independent form.

Claims 1, 4-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pelly et al. Further, claims 1, 4-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skelton et al. Dependent claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pelly et al. in view of Wei. Dependent claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pelly et al. in view of Chan et al.

These rejections are respectfully traversed for the following reasons.

REJECTIONS OVER PELLY ET AL.

In the application of a rejection under 35 U.S.C. § 103, it is incumbent upon the Examiner to factually support a conclusion of obviousness. As stated in *Graham v. John Deere Co.* 383 U.S. 1, 13, 148 U.S.P.Q. 459, 465 (1966), obviousness under 35 U.S.C. § 103 must be determined by considering (1) the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims in issue; and (3) resolving the level of ordinary skill in the pertinent art.

As demonstrated below, the Examiner has failed to properly consider the scope and content of the prior art, and ascertain the differences between the prior art and the claims in issue.

In particular, independent claim 5 recites a transceiver for providing data communications over residential wiring, comprising:

- an output driver for supplying a transmit signal of a prescribed level to the residential wiring, and

- an output drive control system for comparing a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

Pelly discloses improvements in a high voltage DC mercury arc converter, in which many thyristors are connected in series in each leg of the converter circuit. FIG. 1 of the reference (relied upon by the Examiner for disclosing the claimed invention) discloses a converter leg 10 of a high voltage converter, and a control circuit 20 for monitoring the forward and reverse voltage conditions across the converter leg 10.

Accordingly, the reference does not disclose a transceiver for providing data communications over residential wiring, and cannot disclose the claimed elements of this transceivers such as:

- the claimed output driver for supplying a transmit signal of a prescribed level to the residential wiring, and
- the claimed output drive control system for comparing a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

Hence, the Examiner has failed to consider the scope and content of the Pelly patent, and has failed to give adequate consideration to the particular problems and solution addressed by the claimed invention. *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990); *In re Rothermel*, 276 F.2d 393, 125 USPQ 328 (CCPA 1960).

Claim 1 recites a method of configuring a transceiver having an output driver for driving an output terminal to provide data transmission via residential wiring, the method comprising the steps of:

setting a DC level at the output terminal,
comparing a controlled value representing the DC level with a predetermined threshold level, and

controlling the output driver until the controlled value is equal to the threshold level.

As demonstrated above, Pelly does not disclose the transceiver having an output driver for driving an output terminal to provide data transmission via residential wiring, and cannot suggest the steps of setting a DC level at the output terminal of the transceiver, and controlling the output driver until the controlled value representing the DC level is equal to the threshold level.

Applicant, therefore, respectfully submits that the rejection of claims 1, 4-8 under 35 U.S.C. § 103 over Pelly et al. is improper and should be withdrawn. Dependent claims 3 and 9 are defined over the references at least for the reasons presented above in connection with the respective independent claims 1 and 5.

REJECTIONS OVER SKELTON ET AL.

In this rejection, the Examiner also has failed to consider the scope and content of the prior art, and to ascertain the differences between the prior art and the claims in issue.

Considering the reference, Skelton discloses a DC-DC converter with reference and hysteresis voltage generators. First and second comparators respectively compare the output voltage with reference and hysteresis voltages to control a driver circuit that generates a PWM signal for switching the output stage.

Accordingly, Skelton does not disclose a transceiver for providing data communications over residential wiring recited in independent claim 5, and does not teach or suggest the following claimed elements of this transceivers:

- the claimed output driver for supplying a transmit signal of a prescribed level to the residential wiring, and

- the claimed output drive control system for comparing a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

Moreover, Skelton does not teach or suggest the transceiver having an output driver for driving an output terminal to provide data transmission via residential wiring, and cannot suggest the steps of setting a DC level at the output terminal of the transceiver, and controlling the output driver until the controlled value representing the DC level is equal to the threshold level, as claim 1 requires.

Hence, the rejection of claims 1, 4-8 under 35 U.S.C. § 103 over Skelton et al. is improper and should be withdrawn.

In view of the foregoing, and in summary, claims 1-10 are considered to be in condition for allowance. Favorable reconsideration of this application is respectfully requested.

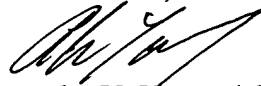
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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